



# *The Commonwealth of Massachusetts*

## *Department of State Police*

CHARLES D. BAKER  
GOVERNOR

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THOMAS A. TURCO, III  
SECRETARY

COLONEL CHRISTOPHER S. MASON  
SUPERINTENDENT

May 29, 2020

Thomas Donohue, Esq.  
Brody, Hardoon, Perkins & Kesten, LLP  
699 Boylston Street, 12<sup>th</sup> Floor  
Boston, MA 02116

**Re: Documents only subpoena to Massachusetts State Police Pursuant to Fed. R. Civ. P. 45 dated May 8, 2020:**

Dear Attorney Donohue,

The Department of State Police ("Department") is in receipt of your subpoena dated May 8, 2020. Pursuant to Schedule A, you have requested the following documents:

1. All documents and things regarding the Colonel and/or Massachusetts State Police selling at auction firearms or ammunition, including pursuant to M.G.L. c. 140 §129D;
2. All documents and things regarding the Massachusetts State Police and/or Colonel remitting proceeds of firearm or ammunition sales to the state treasurer or Commonwealth, including pursuant to M.G.L. c. 140 §129D;
3. All policies, practices, memos, correspondences, and other things concerning the sale and auctioning of firearms, including pursuant to M.G.L. c. 140 §129D; and
4. All documents and things regarding the Commonwealth financially benefiting from the Colonel/Massachusetts State Police's sale or auctioning of firearms or ammunition, including pursuant to M.G.L. c. 140 §129D.

Based upon the information you have provided, the Department has conducted a diligent search of its records. In response to your subpoena, the Department has not located any responsive records for items 1-4.

In your cover letter, you indicated that you intend on scheduling a deposition in the future. In response to your subpoena, the Department consulted Detective Lieutenant David Cahill, the

Commander of the Firearms Identification Section. Det. Lt. Cahill has approximately eighteen years of experience in the Firearms Identification Section ("FIS"). FIS provides the examination, analysis, identification, and expert testimony on firearms evidence in criminal matters, administrative and other special investigations. FIS is responsible for the certification of firearms and ammunition in accordance with M.G.L. c. 140 §121A, and is also responsible for the destruction of weapons in accordance with M.G.L. c. 269 §10e. The FIS also acts as a resource on firearms information. FIS has two primary functions; examining firearms or ammunition submitted as evidence of a crime or suspected crime by law enforcement agencies, and the destruction of firearms or ammunition upon an agency's request or court order. The crime laboratory has not sold or auctioned firearms or ammunition during Det. Lt. Cahill's tenure in FIS. Det. Lt. Cahill could testify to the above if a deposition were to be scheduled.

The Department also consulted Lieutenant Richard Ridlon, the Departments Armorer. Lt. Richard has been a member of the Armorer unit since October of 2017. Lt. Ridlon has previous experience with the Armorer unit during his assignment with the STOP team. The Armorer is the firearm licensing authority for Department members, current or retired. The Armorer applies M.G.L. c. 140 §129D when a Department member's firearms license is revoked or suspended. The Armorer does not sell or auction firearms or ammunition. The Armorer follows the Seized Firearms Storage Superintendent's Memo number 17-SM-07 dated April 3, 2017, which has been attached for your reference. Lt. Ridlon could testify to the above if a deposition were to be scheduled.

In relation to your third request, the Department consulted with Trooper Stephen Tapis from the Strategic Planning Section who indicated that there are no responsive records. Trooper Tapis did indicate that the Superintendent's Memo as described above references M.G.L. c. 140 §129D.

If you have any questions or concerns please contact me at the number listed below. Thank you for your attention in this matter.

Sincerely,



Keith A. Paquette  
Legal Counsel  
Massachusetts State Police  
470 Worcester Road  
Framingham, MA 01702  
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Enclosures- Superintendent's Memo 17-SM-07.



# Department of State Police

## Superintendent's Memo

Effective Date <b>April 3, 2017</b>	Number <b>17-SM-07</b>
Subject <b>Seized Firearms Storage</b>	

This Superintendent's Memo hereby supersedes and replaces Superintendent's Memo 07-SM-10.

This memo shall not apply to weapons and/or ammunition seized as evidence in any criminal case. Those items shall continue to be inventoried and stored as outlined in General Order INV-11A.

During the normal course of duty, it may become necessary for members of the Department to seize privately owned firearms and ammunition as a result of revocation or suspension of a license to carry and/or pursuant to a court issued restraining order. Massachusetts General Law Chapter 140 Section 129D states in part, "The licensing authority (the Colonel), after taking possession of any firearm, rifle, shotgun, machine gun or ammunition by any means, may transfer possession of such weapon for storage purposes to a federally and state licensed dealer of such weapons and ammunition who operates a bonded warehouse on the licensed premises..."

Effective immediately, any officer seizing any privately owned firearm, rifle, shotgun, machine gun and/or ammunition under the above circumstances may transfer possession of such weapon for storage purposes to a federally and state licensed dealer of such weapons and ammunition who operates a bonded warehouse on the licensed premises that is equipped with a safe for the secure storage of firearms and a weapon box or similar container for the secure storage of other weapons and ammunition in accordance with M.G.L. c.140, s.129D. Upon transfer, the officer shall receive from the licensed dealer a copy of the receipt required to be issued to the owner pursuant to M.G.L. c. 140, §129D. The receipt copy is to be given to the officer's immediate supervisor; the supervisor shall, forthwith, forward additional copies of the receipt through channels to the Deputy Superintendent, the Armorer and the Division of Administrative Services. No member shall, under any circumstances, represent to a licensed dealer that the Department has assumed responsibility for the delivery of a receipt to an owner and/or the obligation to pay for storage of any privately owned firearm, rifle, shotgun machine gun or ammunition.

OFFICIAL:

A handwritten signature in black ink, appearing to read "Richard D. McKeon".

**Richard D. McKeon**  
Colonel/Superintendent